



PATENT

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re Reissue Application of:)
Daniel A. Hilbrich)
Application No.: 10/047,852)
FOR: FILTERING DEVICE FOR AN)
ESPRESSO-TYPE COFFEE MAKER)
Filed: January 15, 2002)
Group Art Unit: 1761)
Examiner: R.L. Alexander)

SECOND SUPPLEMENTAL REISSUE DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. As below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below. I believe that I am the original and first inventor of the subject matter which is described and claimed in U.S. Application No. 10/047,852 (hereinafter "the '852 application"), which application is a reissue application of U.S. Patent No. 6,016,740 (hereinafter "the '740 patent"), issued on January 25, 2000, and for which invention I now solicit a broadening reissue patent.

2. I hereby state that I am the sole inventor of the subject matter claimed in the '852 application and the '740 patent. I further state that I am the sole owner of the '740 patent and that no other parties own an undivided interest in the patent.

3. I hereby state that I have reviewed and understand the contents of the '852 application, including the claims, as amended by the "Preliminary Amendment," the "Second Preliminary Amendment," the "Amendment," the "Supplemental Amendment," the "Second

Supplemental Amendment," the "Third Supplemental Amendment," and the "Response to Office Action of October 28, 2004."

4. I believe the '740 patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing.

5. I believe the '740 patent to be wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent.

6. Specifically with respect to the specification, I believe the '740 patent to be partly inoperative because of an overly broad characterization of the claimed invention appearing in the paragraph beginning at column 2, lines 26-29, which states, "This assemblage of evidence clearly establishes the need for a filter which can rid an espresso coffee beverage of its harmful oils and unfiltered grounds, which is what the present invention can accomplish." The filter as claimed and described in the detailed description, however, merely reduces the amount of harmful oils and unfiltered grounds. Accordingly, to the extent that the word "rid" is interpreted to mean "completely eliminate," it is inconsistent with the scope of the claims or the description of the invention.

7. With respect to the claims, I believe the '740 patent to be partly inoperative because each of the independent claims contain unnecessary limitations not required to define over the prior art. For example, claim 1 of the '740 patent, at column 4, line 57, recites, "a metallic filter." Similarly, claim 4 of the '740 patent recites, "heated water under 3 to 15 bar of pressure (column 4, line 68), and a reduction of lipids in the brewed coffee "by at least 50%" (column 5, line 7). Still further, claim 7 of the '740 patent recites, a heated water pressure of "3 to 15 bars" at column 6, line 7, and column 6, lines 12-13. None of the aforementioned limitations were necessary in order to define over the prior art. Thus, claims 1, 4, and 7 claim less than I had a right to claim.

8. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on my part.

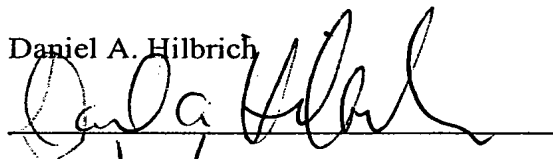
9. I acknowledge a duty to disclose information of which I am aware and which is material to the patentability of this reissue application in accordance with 37 CFR §1.56.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this reissue application or any reissue patent issued thereon.

Full Name of Sole Inventor:

Daniel A. Hilbrich

Inventor's Signature:



Date:

10/1/07

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